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9 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY
INTERNATIONAL

10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF MARIN

13

14 CHURCH OF SCIENTOLOGY	)	CASE NO. BC 157680
INTERNATIONAL, a California not-)	
for-profit religious corporation,	)	[CONSOLIDATED]
15)	
	)	NOTICE OF FILING EXHIBIT Z
16	)	TO DECLARATION OF LAURIE J.
Plaintiff,	)	BARTILSON IN SUPPORT OF
17	)	PLAINTIFF'S MOTION FOR
	)	TERMINATING OR EVIDENTIARY
18 vs.	)	SANCTIONS AGAINST DEFENDANT
	)	GERALD ARMSTRONG
19)	
	)	DATE: April 28, 1995
20 GERALD ARMSTRONG; DOES 1 through	)	TIME: 9:00 a.m.
25, inclusive,	)	DEPT: 1
21)	
)	
22 Defendants.	)	TRIAL DATE: May 18, 1995
23)	

23

24 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

25 Please take notice that Exhibit Z to the Declaration of
26 Laurie J. Bartilson, Exhibit 1 of Plaintiff's Evidence in Support
27 of Motion for Terminating or Evidentiary Sanctions against
28 Defendant Gerald Armstrong was inadvertently omitted. Exhibit Z,

1 the Reporter's Transcript of Proceedings for March 22, 1995 in
2 Church of Scientology International v. Gerald Armstrong, et al.,
3 Marin County Superior Court, Case No. 157680, is attached hereto.

4 Dated: March 28, 1995

Respectfully submitted,

5 Andrew H. Wilson
6 WILSON, RYAN AND CAMPILONGO

7 MOXON & BARTILSON

8 By: 

Laurie J. Bartilson
9 Attorneys for Plaintiff
10 CHURCH OF SCIENTOLOGY
11 INTERNATIONAL
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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

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CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
not-for-profit religious)
corporation,)

Plaintiff,)

vs.)

GERALD ARMSTRONG; MICHAEL)
WALTON; THE GERALD ARMSTRONG)
CORPORATION, a California for)
profit corporation; DOES 1)
through 100, inclusive,)

Defendants.)

NO. 157-680

AND RELATED CROSS-ACTION.)

TRANSCRIPT OF PROCEEDINGS:

Wednesday, March 22, 1995

Reported by:
PENNY L. GILMORE
CSR NO. 4724

LYON DEPOSITION REPORTING
830 School Street, Suite 11
Napa, California 94559
(707) 226-2300

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I N D E X

APPEARANCES:

LAURIE J. BARTILSON, Esq., representing the Law Offices of Moxon & Bartilson, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028, appeared as counsel on behalf of Plaintiff.

WILLIAM R. BENZ, Esq., 900 Larkspur Landing Circle, Suite 185, Larkspur, California 94939, appeared as the referee in said action.

E X H I B I T S

<u>PLAINTIFF'S</u>	<u>Page</u>
67 Letter dated March 21, 1995 to Ms. Bartilson and Mr. Wilson from Gerald Armstrong	4

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1 Wednesday, March 22, 1995 10:24 A.M.

2 ---000---

3 MR. BENZ: On the record at the offices of
4 William Benz. It is, according to my watch, 10:24 A.M. on
5 Wednesday, March 22nd, 1995. Ms. Bartilson is present and
6 Matt Ward is present, both representing Plaintiff. There
7 is no appearance by Gerald Armstrong nor any of the other
8 defendants. I received a letter by fax from Mr. Armstrong
9 dated March 21, 1995.

10 If you wish, you can make that part of the
11 record.

12 MS. BARTILSON: Yes, I would like to do that.
13 (Whereupon Plaintiff's Exhibit 67
14 was marked for identification.)

15 MR. BENZ: And, Ms. Bartilson, do you have any
16 statement to make in connection with this case?

17 MS. BARTILSON: I should just say when I
18 received this letter by fax yesterday afternoon in which
19 Mr. Armstrong stated he would be unable to attend this
20 deposition due to a spiritual condition that he was unable
21 to control resulting in a psychological incapacitation, I
22 called him to see if I could ascertain what the problem
23 was or reschedule the deposition, so on and so forth.

24 The response that I got from Mr. Armstrong was
25 that he had not seen a doctor; he didn't intend to see a

1 doctor or a psychiatrist; that he felt that his mind was
2 not functioning properly, and because of that he did not
3 want to proceed with the deposition.

4 I asked him if he would in fact see a doctor,
5 see if he could obtain some kind of certificate of
6 incapacitation, that there was something wrong with his
7 mental condition so he couldn't be deposed. He said no,
8 he wasn't going to do that.

9 I asked if his memory was impaired. He said no,
10 he just felt his mind was not functioning properly, at
11 which point I told him I intended to proceed today and
12 reminded him of earlier times in the case when he and his
13 lawyer delayed his deposition at more than four or five
14 months, at which point he hung up on me.

15 MR. BENZ: Today was the time to which
16 Mr. Armstrong's deposition had been continued from a prior
17 session of the deposition, and by stipulation it had been
18 set for this date at 10:00 A.M. at these offices; is that
19 correct?

20 MS. BARTILSON: That is correct.

21 MR. BENZ: Anything else?

22 MS. BARTILSON: Just we did contact him this
23 morning to see if he was going to appear and he told me he
24 was not going to appear.

25 MR. BENZ: As far as I'm concerned, I've been

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presented with an inadequate excuse for non-appearance, so I will leave it up to plaintiff's counsel to proceed as they wish.

MS. BARTILSON: I guess it's time to bring a motion if I can't get him to come back. I'll see if we can reschedule it.

MR. BENZ: There's another deposition which is set for tomorrow of Gerald Solfvin; is that correct?

MS. BARTILSON: That is correct, and that was by subpoena and notice.

MR. BENZ: Again, it's my opinion that this letter is not adequate to continue or reset that deposition, and could you notify Mr. Armstrong by telephone or fax that we intend to go ahead with that deposition whether he is here or not, absent some other showing?

MS. BARTILSON: I will give notice and I'll make sure I notify Mr. Solfvin, also, since I notice he copied this letter to Mr. Solfvin.

MR. BENZ: And you let me know if there's any change.

MS. BARTILSON: I will indeed, otherwise, it will be tomorrow morning. Thank you.

(Whereupon the proceedings were concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, PENNY L. GILMORE, a Certified Shorthand Reporter in the State of California, certify that said proceedings were taken down by me in machine shorthand and were thereafter transcribed into computer-assisted transcription under my direction.

I futher certify that I am not of counsel or attorney for either or any of the parties in the foregoing depositon and caption named, nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of March 1995.


DEPOSITION OFFICER, CSR NO. 4724

MAR 21 '95 15:07 JUB LAW/FORD GREENE 415-456-5318

P.1/1

RECEIVED

March 21, 1995

MAR 21 1995

VIA FAX

Laurie J. Bartilson
Moxon & Bartilson
6255 Sunset Boulevard, Suite 2000
Los Angeles, CA 90028

By Fax
213-263-3361

Andrew H. Wilson, Esquire
Wilson, Ryan & Campilongo
115 Sansome Street, Suite 400
San Francisco, CA 94104

By Fax
415-954-0938

Re: Scientology v. Armstrong
Marin County Superior Court
Case No. 157680

Dear Ms. Bartilson and Mr. Wilson:

Due to a spiritual condition which I am unable to control resulting in a psychological incapacitation I cannot proceed with the deposition set for tomorrow and the deposition of Gerald Solfvin set for March 23.

Please contact me in a few days to see if these depositions can be rescheduled.

Thank you for your consideration.

Yours sincerely,



Gerald Armstrong
716 Sir Francis Drake Boulevard
San Anselmo, CA 94960
(415)456-8480

cc: Michael L. Walton, Esquire (by Fax)
William R. Benz, Esquire (by Fax)
Gerald Solfvin (by Fax)

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On March 29, 1995, I served the foregoing document described as NOTICE OF FILING EXHIBIT Z TO DECLARATION OF LAURIE J. BARTILSON IN SUPPORT OF MOTION FOR TERMINATING OR EVIDENTIARY SANCTIONS AGAINST DEFENDANT GERALD ARMSTRONG on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed as follows:

GERALD ARMSTRONG
715 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

MICHAEL WALTON
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 94939

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more

